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LRB094 16578 JAM 60431 a

1 AMENDMENT TO SENATE BILL 2340

2 AMENDMENT NO. _____. Amend Senate Bill 2340 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 24C-12 as follows:

6 (10 ILCS 5/24C-12)

7 Sec. 24C-12. Procedures for Counting and Tallying of
8 Ballots. In an election jurisdiction where a Direct Recording
9 Electronic Voting System is used, the following procedures for
10 counting and tallying the ballots shall apply:

11 Before the opening of the polls, the judges of elections
12 shall assemble the voting equipment and devices and turn the
13 equipment on. The judges shall, if necessary, take steps to
14 activate the voting devices and counting equipment by inserting
15 into the equipment and voting devices appropriate data cards
16 containing passwords and data codes that will select the proper
17 ballot formats selected for that polling place and that will
18 prevent inadvertent or unauthorized activation of the
19 poll-opening function. Before voting begins and before ballots
20 are entered into the voting devices, the judges of election
21 shall cause to be printed a record of the following: the
22 election's identification data, the device's unit
23 identification, the ballot's format identification, the
24 contents of each active candidate register by office and of

1 each active public question register showing that they contain
2 all zero votes, all ballot fields that can be used to invoke
3 special voting options, and other information needed to ensure
4 the readiness of the equipment and to accommodate
5 administrative reporting requirements. The judges must also
6 check to be sure that the totals are all zeros in the counting
7 columns and in the public counter affixed to the voting
8 devices.

9 After the judges have determined that a person is qualified
10 to vote, a voting device with the proper ballot to which the
11 voter is entitled shall be enabled to be used by the voter. The
12 ballot may then be cast by the voter by marking by appropriate
13 means the designated area of the ballot for the casting of a
14 vote for any candidate or for or against any public question.
15 The voter shall be able to vote for any and all candidates and
16 public measures appearing on the ballot in any legal number and
17 combination and the voter shall be able to delete, change or
18 correct his or her selections before the ballot is cast. The
19 voter shall be able to select candidates whose names do not
20 appear upon the ballot for any office by entering
21 electronically as many names of candidates as the voter is
22 entitled to select for each office.

23 Upon completing his or her selection of candidates or
24 public questions, the voter shall signify that voting has been
25 completed by activating the appropriate button, switch or
26 active area of the ballot screen associated with end of voting.
27 Upon activation, the voting system shall record an image of the
28 completed ballot, increment the proper ballot position
29 registers, and shall signify to the voter that the ballot has
30 been cast. Upon activation, the voting system shall also print
31 a permanent paper record of each ballot cast as defined in
32 Section 24C-2 of this Code. This permanent paper record shall
33 (i) be printed in a clear, readily readable format that can be
34 easily reviewed by the voter for completeness and accuracy and

1 (ii) either be self-contained within the voting device or be
2 deposited by the voter into a secure ballot box. No permanent
3 paper record shall be removed from the polling place except by
4 election officials as authorized by this Article. All permanent
5 paper records shall be preserved and secured by election
6 officials in the same manner as paper ballots and shall be
7 available as an official record for any recount, redundant
8 count, or verification or retabulation of the vote count
9 conducted with respect to any election in which the voting
10 system is used. The voter shall exit the voting station and the
11 voting system shall prevent any further attempt to vote until
12 it has been properly re-activated. If a voting device has been
13 enabled for voting but the voter leaves the polling place
14 without casting a ballot, 2 judges of election, one from each
15 of the 2 major political parties, shall spoil the ballot.

16 Throughout the election day and before the closing of the
17 polls, no person may check any vote totals for any candidate or
18 public question on the voting or counting equipment. Such
19 equipment shall be programmed so that no person may reset the
20 equipment for reentry of ballots unless provided the proper
21 code from an authorized representative of the election
22 authority.

23 The precinct judges of election shall check the public
24 register to determine whether the number of ballots counted by
25 the voting equipment agrees with the number of voters voting as
26 shown by the applications for ballot. If the same do not agree,
27 the judges of election shall immediately contact the offices of
28 the election authority in charge of the election for further
29 instructions. If the number of ballots counted by the voting
30 equipment agrees with the number of voters voting as shown by
31 the application for ballot, the number shall be listed on the
32 "Statement of Ballots" form provided by the election authority.

33 Except as otherwise provided in this Section, the ~~The~~
34 totals for all candidates and propositions shall be tabulated;

1 and 4 copies of a "Certificate of Results" shall be printed by
2 the automatic tabulating equipment; one copy shall be posted in
3 a conspicuous place inside the polling place; and every effort
4 shall be made by the judges of election to provide a copy for
5 each authorized pollwatcher or other official authorized to be
6 present in the polling place to observe the counting of
7 ballots; but in no case shall the number of copies to be made
8 available to pollwatchers be fewer than 4, chosen by lot by the
9 judges of election. In addition, sufficient time shall be
10 provided by the judges of election to the pollwatchers to allow
11 them to copy information from the copy which has been posted.

12 Until December 31, 2007, in elections at which fractional
13 cumulative votes are cast for candidates, the tabulation of
14 those fractional cumulative votes may be made by the election
15 authority at its central office location, and 4 copies of a
16 "Certificate of Results" shall be printed by the automatic
17 tabulation equipment and shall be posted in 4 conspicuous
18 places at the central office location where those fractional
19 cumulative votes have been tabulated.

20 If instructed by the election authority, the judges of
21 election shall cause the tabulated returns to be transmitted
22 electronically to the offices of the election authority via
23 modem or other electronic medium.

24 The precinct judges of election shall select a bi-partisan
25 team of 2 judges, who shall immediately return the ballots in a
26 sealed container, along with all other election materials and
27 equipment as instructed by the election authority; provided,
28 however, that such container must first be sealed by the
29 election judges with filament tape or other approved sealing
30 devices provided for the purpose in a manner that the ballots
31 cannot be removed from the container without breaking the seal
32 or filament tape and disturbing any signatures affixed by the
33 election judges to the container. The election authority shall
34 keep the office of the election authority, or any receiving

1 stations designated by the authority, open for at least 12
2 consecutive hours after the polls close or until the ballots
3 and election material and equipment from all precincts within
4 the jurisdiction of the election authority have been returned
5 to the election authority. Ballots and election materials and
6 equipment returned to the office of the election authority
7 which are not signed and sealed as required by law shall not be
8 accepted by the election authority until the judges returning
9 the ballots make and sign the necessary corrections. Upon
10 acceptance of the ballots and election materials and equipment
11 by the election authority, the judges returning the ballots
12 shall take a receipt signed by the election authority and
13 stamped with the time and date of the return. The election
14 judges whose duty it is to return any ballots and election
15 materials and equipment as provided shall, in the event the
16 ballots, materials or equipment cannot be found when needed, on
17 proper request, produce the receipt which they are to take as
18 above provided.

19 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."